

### **REMARKS**

In response to the Office Action dated July 29, 2005, Applicants submit the following Amendment and Response. Claims now pending in the Application are claims 1-9, 11, 14, 16-19 and 21-23. Applicant has amended claims 1 and 22. Support for these amendments can be found in the specification at page 12, line 22 – page 13, line 2 and at page 28, line 21 – page 29, line 12. Therefore, these amendments are made without the addition of new matter.

Applicant gratefully acknowledges the telephone interview with the Examiner on October 19, 2005 during which the Examiner further clarified the double patenting rejections. Specifically, the Examiner clarified that in the alternative Claims 1 and 2 were rejected under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 2, 3, 8 and 9 of U.S. Patent No. 6,638,482 and Claim 1, 2, 3 and 4 were rejected under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 1, 2, 3, 5, 6, 7, and 8 of U.S. Patent No. 6,375,899.

#### **Double Patenting**

Claims 1, 2, 5, 7, and 8 were rejected under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 3, 4, 5, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 43 of U.S. Patent No. 6,309,602. Claims 1, 2, 3, 4, 5 and 6 were rejected under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 2, 3, 9, 10, 12, 16, 17, 18, 19, 20, 21, 22, 31, 33, 34 and 35 of U.S. Patent No. 6,319,472. Claims 1 and 2 were rejected under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 2, 3, 8 and 9 of U.S. Patent No. 6,638,482. Claim 1, 2, 3 and 4 were rejected under the judicially-created doctrine of

obviousness-type double patenting as being allegedly unpatentable over claims 1, 1, 2, 3, 5, 6, 7, and 8 of U.S. Patent No. 6,375,899. Without conceding the propriety of these rejections, the enclosed Terminal Disclaimer should obviate the rejection for alleged obviousness-type double patenting in view of U.S. Patent Nos. 6,309,602, 6,319,472, 6,638,482 and 6,375,899.

35 U.S.C. §102

In the Office Action dated Sept 8, 2005, the Examiner rejected claims 1, 4, 5, 6, 7 and 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,922,591 issued to Anderson. Applicant has amended claim 1 to further clarify that the first and second chambers are stacked on top of one another. Applicant respectfully submits that Anderson does not anticipate the invention as disclosed, because Anderson discloses “a microfluidic device comprising a series of reaction chambers” wherein “the chambers are connected in series by channels.” Claims 4, 5, 6, 7 and 8 are dependant on claim 1 and, therefore, contain all the limitations of claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection and reconsideration of the claims as amended.

35 U.S.C. §103

In the Office Action dated Sept 8, 2005, the Examiner rejected claims 2, 3, 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Anderson as applied to claim 1, and further in view of U.S. Patent No. 5,653,939, issued to Hollis. Applicant has amended claim 1, as noted above, to clarify that the first and second chambers of the disclosed multi-chamber fluidic device are stacked on top of one another. Thus, Applicant submits that Anderson does not disclose Applicant's invention. Accordingly, Applicant respectfully requests withdrawal of the rejection and reconsideration of the claims as amended.

**CONCLUSION**

For all the foregoing reasons, Applicants respectfully submit that the application is now in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. Although it is not believed that any fees are due with the submission of these papers, the Commissioner is hereby authorized to charge Deposit Account 50-2862 for any necessary fees. If the Examiner has any questions regarding this communication, or feels that an interview might facilitate prosecution of the application, he is invited to contact the undersigned at (949) 760-9600.

Respectfully submitted,

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